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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,675	05/18/2001	John Duffy	1999-0719	3353

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EXAMINER	
AHMED, SALMAN	
ART UNIT	**PAPER NUMBER**
2666	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/859,675	DUFFY ET AL.	
	Examiner	Art Unit	
	Salman Ahmed	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Sengodan (US PAT 6426945).

Sengodan teaches (figure 1 and column 2 lines 26-27, H.323 system) Video gateway apparatus for interworking between an Internet protocol video data network (figure 1 element 110 and column 1 lines 23-24, H.323-standard LAN-operable DVC (desktop videoconferencing)) and an integrated service digital network (figure 1 element 156 and column 1 line 29, ISDN-connected H.320 units) comprising

a router (figure 1, router) operatively associated with internet protocol video data network for outputting video and control data associated with a video call originating in internet network,

at least one gateway switch (figure 1 element 120 and column 2 lines 45-48, a Gateway 120 will allow computers connected to a LAN to communicate to regular phones 150 connected to the PSTN 152, to digital phones 154 (H.320 terminals) connected to an ISDN network 156) coupled to router and operatively associated with Integrated services digital network for outputting video and control data associated with a video call originating in integrated services digital network,

and at least one gatekeeper (figure 1 element 130 and column 2 lines 60-65, A Gatekeeper 130 is an H.323 component that performs four basic functions: Address Translation: It is the mechanism that allows to have different kinds addressing systems. For example, regular phone numbers (E.164 addresses) can be used in conjunction with email addresses) operatively associated with router and at least one gateway switch for translating between video telephone numbers assigned within integrated services digital network and internet protocol addresses associated with internet protocol video data network.

3. Claims 5, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Gardell et al. (US PAT 6128304), hereinafter referred to as Gardell.

In regards to claim 5 and 6 Gardell teaches a method of processing a video call via video gateway apparatus (column 4 line 18, network system) originating in an internet protocol video data network (column 4 lines 33-34, H.323-based network) for completion within an integrated services digital network (column 4 lines 34-37, H-series terminals, GSTN or ISDN voice terminals, or GSTN or ISDN data terminals) comprising the steps of

receiving a calling party address formatted as an internet address (column 3 line 41, take a call originating in H.323) representing an integrated services digital network telephone number and

translating (column 3 lines 41-42, convert the signal to a PSTN-compatible format) the address into video data routing data, video gateway apparatus for delivering received packetized video data to a video capable telephone associated with integrated services digital network (column 3 lines 42-43, and pass it on to the PSTN 22) telephone number.

In regards to claim 7, a method of processing a video call via video gateway apparatus originating in an integrated services digital network for completion within an internet

protocol video data network comprising the steps of receiving an address formatted as a local telephone number representing an internet address and translating the received address into a destination internet address associated with local telephone number, video gateway routing video data associated with call to destination internet address is anticipated by (column 4, lines 52-57, the gatekeeper being in communication with the gateway, and initially receives a translated phone number dialed by a caller on the PSTN 22, such as an E.164 address, from the gateway. The gatekeeper accesses a translation table to determine the corresponding IP address of the terminal end-point.

4. Claims 8, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishnaswamy et al. (US PAT 6909708), hereinafter referred to as Krishnaswamy

In regards to claims 8 and 9, Krishnaswamy teaches a method of assuring security of a video call in an internet protocol video data network wherein a router (figure 19c numeral 1 calling terminal via router) communicates with a gatekeeper (figure 19c numeral 4 gatekeeper) of network in a control channel session characterized by the steps of the router initiating a query (column 132 lines 12-67 and column 133 lines 1-60, Calling terminal sends a admission request message to the Gatekeeper[4]) of gatekeeper to determine the status of control channel session (column 132 lines 12-67 and column 133 lines 1-60, gatekeeper may be involved in H.245 control channel communications) and the router precluding a delivery of video data to a destination address ((column 132 lines 12-67 and column 133 lines 1-60, if setup request fails, the gatekeeper 4 informs the calling terminal 1) if query is negative or the router delivering

video data to a destination address (if the setup request is a success, called terminal 8 responds with a connect message which include a reliable port address for H.245 connection; the gatekeeper 4 responds to the calling terminal 1 with the connect message along with the port address for the H.245 control channel communications; calling terminal 1 sets up a connection for H.225 call control signaling with the gateway 4, establishes another connection for H.245 control channel communications and responds to the gateway 4 with connect acknowledgment message; the gatekeeper 4 in-turn sends the connect acknowledgment message to called terminal 8. Called terminal 8 now sets up a H.225 call control connection) if query is positive.

In regards to claim 10, router buffers a terminating video call until router receives a positive query response is anticipated by (column 14 lines 53-59) the steps of whenever the sender has a block of data to be sent, it is stored at the first switching office and retransmitted to the next switching point after error inspection. Message switching places no limit on block size, thus requiring that switching stations must have disks to buffer long blocks of data.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sengodan and in view of Kumar et al (US PAT 6006253), hereinafter referred to as Kumar and further in view of Jorgensen (US PAT 6590885).

Sengodan teaches a network supporting internetworking between various H.32X standards as described in the rejection of claim 1 above.

Sengodan does not explicitly teach router being operatively associated with an asynchronous transfer mode network.

Kumar teaches (figure 1 element 162) router being operatively associated with an asynchronous transfer mode network.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sengodan's teaching to incorporate Kumar's teaching of having Atm being part of the network. The motivation is that (as per Sengodan column 2 lines 3-4, H.321 is for videoconferencing over broadband ISDN ATM LAN) in order to have a full support of H.32x; ATM would also be a part of the H.323 network architecture.

Sengodan and Kumar teach H.321 being part of H.323 architecture.

Sengodan and Kumar do not explicitly teach of permanent virtual circuit (PVC) being utilized in ATM based network.

Jorgensen teaches (page 7 section 0103) PVC being used in ATM networking.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sengodan and Kumar's teaching by incorporating Jorgensen's teaching of utilizing PVC in a atm network. The motivation is that it is known in the art and as suggested by Jorgensen (page 7 section 0103) with ATM networking, telephone companies could continue to provide a circuit-centric QOS mechanism with the establishment of permanent virtual connections (PVCs) (i.e. a virtual path or channel connection (VPC or VCC) provisioned for indefinite use) and switched virtual connections (SVCs) (i.e. a logical connection between endpoints

established by an ATM network on demand based upon signaling messages received from the end user or another network) in an analogous manner to the legacy voice circuit mechanism.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sengodan and in view of Oran (US PAT 6275574).

Sengodan teaches a network supporting internetworking between various H.32 standards as described in the rejection of claim 1 above.

Sengodan does not explicitly teach gateway outputs a calling party number output of gatekeeper to an integrated switched digital network via a primary rate interface.

Oran teaches (column 5 lines 5-14) that H.323 requires a full E.164 address be passed in the Q.931-based signaling protocol.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sengodan's teaching by incorporating Oran's teaching of address mapping of ISDN in H.323 network. The motivation is that (as per Oran, column 5 lines 5-14) H.323 requires a full E.164 address be passed in the Q.931-based signaling protocol.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sengodan and in view of Kotha et al (Deploying H.323 Applications in Cisco Networks), herein after referred to as Kotha.

Sengodan teaches a network supporting internetworking between various H.32 elements like gateway, gatekeeper, router etc. as described in the rejection of claim 1 above.

Sengodan does not explicitly teach a digital data hub coupled between gatekeeper and router.

Kotha teaches (section: Gatekeeper) MCM gatekeeper also provides application specific routing capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sengodan's teaching by incorporating routing capabilities between router and gatekeeper as taught by Kotha. The motivation is that using a hub or router in a gatekeeper will enable the gatekeeper to cater to multiple routable application process thus enhancing the system.

Allowable Subject Matter

10. Claims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Prior arts pertinent to the application but not used in office action:

- US 6130880 A USPAT Method and apparatus for adaptive prioritization of multiple information types in highly congested communication devices Naudus; Stanley T. et al.
- WO 200165780 A DERWENT Multimedia connection establishing method with quality of service using ATM backbone, has H.320 endpoints having connection to ATM network to send QoS communications to other endpoints EVEN, R.
- Cisco Technical Considerations for Converging Voice, Data, and Video Networks white paper.
- Deploying H.323 Conferencing on Your IP Network, by Vidnet

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salman Ahmed whose telephone number is (571)272-8307. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571)272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Salman Ahmed
Examiner
Art Unit 2666

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